

1 Honorable Timothy W. Dore
2 Chapter 7
3 Location: Seattle

4
5 UNITED STATES BANKRUPTCY COURT
6 WESTERN DISTRICT OF WASHINGTON

7 In re

8 JOHN LONG,

9 Debtor.

No. 13-14134

10 DECLARATION IN SUPPORT OF *EX
11 PARTE* MOTION FOR 2004
12 EXAMINATION

13 Kathryn A. Ellis declares and states as follows:

14 1. I am the attorney for the Chapter 7 Trustee of the estate of Frank Gan and Lisa
15 Fernandez, Bk. No. 12-22686, have testimonial knowledge of the facts set forth in this
16 declaration and am competent to testify thereto. This declaration is made in support of the
17 Trustee's request for a 2004 Examination of the debtor, John Long.

18 2. Prior to the filing of the Gan/Fernandez Bankruptcy Petition, Gan/Fernandez
19 received funds in excess of \$455,000.00 from Foss Maritime Company. Gan/Fernandez
20 transferred the funds to their attorney's trust account. To date, wholly inadequate documentation
21 has been provided regarding Mr. Long's receipt and disposition of the funds. In order to
22 adequately investigate the Gan/Fernandez case, and all avoidance claims, it is necessary to
23 examine the debtor regarding the transfers, and obtain bank records in connection therewith.

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28 **DECLARATION IN SUPPORT OF *EX PARTE
MOTION FOR 2004 EXAMINATION - 1***

KATHRYN A. ELLIS, ESQ.
600 Stewart St
Suite 1300
Seattle, WA 98101
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1 3. In accordance with the above, the Court is requested to allow the examination of
2 the debtor pursuant to BR 2004.

3 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
4 STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

5 Dated this 24th day of September, 2013 at Seattle, Washington.

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7 /s/ Kathryn A. Ellis
8 Kathryn A. Ellis

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**DECLARATION IN SUPPORT OF *EX PARTE*
MOTION FOR 2004 EXAMINATION - 2**